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**IN THE UNITED STATES DISTRICT COURT**

**DISTRICT OF UTAH**

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UNITED STATES OF AMERICA,  Plaintiff,  v.  JACKSON STUART TAMOWSKI PATTON,  Defendant.	<b>MOTION FOR TEMPORARY RELEASE AND REQUEST FOR A HEARING</b>    Case No. 2:20-mj-416-DBP
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Jackson Stuart Tamowski Patton, pursuant to § 18 U.S.C. 3142(i), hereby moves this Court to review the order of detention and temporarily release him from custody due to the outbreak of SARS-CoV-2 (Covid-19) at the Weber County Jail.

The Bail Reform Act provides for the “temporary release” of a person in pretrial custody “to the extent that the judicial officer determines such release to be necessary for preparation of the person’s defense or for another compelling reason.” 18 U.S.C. § 3142(i). As of July 1, 2020, 82 inmates tested positive in the Weber County Jail where he is housed.<sup>1</sup> This is an

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<sup>1</sup> <https://www.sltrib.com/news/2020/07/01/coronavirus-hits/>

unprecedented 10.66% of the entire Weber County Jail inmate population, based on 769 inmates presently housed there. This number is only bound to increase: there is simply no way that any facility could remove contagious, asymptomatic individuals from the general population before having exposed countless others. Moreover, as of June 1, 2020, the Weber-Morgan Health Department reported only 309 cases of Covid-19; on July 1, 2020, that number had skyrocketed to 1042.<sup>2</sup>

This Court ordered Mr. Patton detained on June 11, 2020. The District Court detained Mr. Patton on June 25, 2020, when Weber jail was reporting only one Covid-19 case.

Defendant requests an evidentiary hearing as soon as possible. *United States v. Herrera*, 782 F.3d 571, 574 (10th Cir. 2015) (Judge Gorsuch noting that district courts err on the side of granting more process than strictly necessary “in order to ensure not only that justice is done but that justice is seen to be done.”). Mr. Patton will be asking this Court to place him in pretrial home confinement at his parents’ house.

RESPECTFULLY SUBMITTED this 6<sup>th</sup> day of July, 2020.

/s/ Wojciech Nitecki  
WOJCIECH NITECKI  
Assistant Federal Public Defender

/s/ Kristen R. Angelos  
KRISTEN R. ANGELOS  
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<sup>2</sup> <https://coronavirus.utah.gov/case-counts/>